

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Twelfth Meeting of the Conference of the Parties
Santiago, Chile, 4 to 15 November 2002

Enhancing implementation of the Convention

This document was prepared by the United States of America.

1. The Animals and Plants Committees are increasingly being asked to address implementation issues, for which they lack the mandate, based on current terms of reference, and the appropriate expertise. Although the Standing Committee is tasked with providing general policy and operational direction to the Secretariat concerning the implementation of the Convention, it is also heavily burdened with administrative and policy matters. As a result, numerous important implementation issues, such as the implementation of secondary product listings, are not being fully addressed.
2. At its 11th meeting, the Plants Committee considered a document on implementation issues related to Appendix-III timber species. Feeling that this was not the appropriate forum in which to discuss the issue, the Plants Committee recommended that implementation matters be brought to the Standing Committee. The Animals Committee has also declined to work on implementation issues, most notably with regard to Decision 11.164 on the movement of sample reptile skins and other related products. At the 16th meeting of the Animals Committee, the Committee Chair indicated that the Animals Committee was not the appropriate authority to discuss the issue.
3. In a document prepared for the 45th meeting of the Standing Committee, the Secretariat noted that it would be useful to have expert input from Party representatives in addressing implementation issues from current Resolutions and Decisions. The examples cited included identification and enforcement measures to control trade in bear and tiger parts and products, development of identification and labeling protocols for natural musk in prepared formulas, and capacity building related to enforcement and implementation issues for time-sensitive research samples in international trade. The document then called for the establishment of a new CITES body to address implementation matters. The Standing Committee asked the Secretariat to draft, with the guidance of an Implementation Working Group, a proposal for consideration at the 46th meeting of the Standing Committee and submission to COP12.
4. Between the 45th and the 46th meetings of the Standing Committee, the Secretariat changed its view about the need for and appropriateness of a permanent implementation committee. This shift was made in view of the budgetary requirements of the current committee structure, the additional requirements and financial costs necessary to support

a new body, the need to draw on individuals with very specific and practical expertise to work on such issues, and the desirability of simplifying procedures as much as possible.

5. Although unable to reach consensus on all issues, the Implementation Working Group worked inter-sessionally to prepare a draft resolution calling for the establishment of an Implementation Subcommittee under the Standing Committee. The members of the Implementation Working Group met at the 46th meeting of the Standing Committee and came to a consensus on revised Terms of Reference for the Subcommittee. The Standing Committee was unable to conclude discussions on this issue and referred it for further discussion to the 47th meeting of the Standing Committee.
6. Also at the 46th meeting of the Standing Committee, the Secretariat recommended against the establishment of an Implementation Committee. It suggested that technical or implementation issues could be referred to the Secretariat either directly by the Conference of the Parties (in which case it should make budgetary allowance for the work to be done) or by one of the existing permanent committees. The Secretariat would then undertake the necessary work if it had resources to do so, in consultation with appropriate experts.
7. There are now 158 Parties to the Convention, and the budget estimate for the triennium 2003-2005 presents very small or no increase in the annual spending on the various programs of the Convention. There are also an array of technical and implementation issues that are not readily handled by the existing permanent committees, that often do not include individuals involved in the day-to-day implementation of the Convention.
8. The United States feels strongly that the Parties need to identify an ongoing forum within the Convention to discuss implementation issues that includes and is led by the Parties. Because the discussion is constrained by the current committee structure and corresponding budget allocations, the United States thinks that it is important to think beyond this structure in exploring ways to address critical implementation problems.

Recommendations

9. In the estimated budget for the triennium 2003-2005, the Animals Committee and the Plants Committee are each allotted USD 90,000 per year. Within the current committee budgetary constraints (and using triennium budget estimates for illustrative purposes), the following options could be considered for addressing implementation issues of the Convention:
 - a. Maintain the current Animals and Plants Committee structure, with USD 90,000 allotted to each Committee per year, where implementation issues are discussed within the two scientific committees and the Standing Committee. Experience shows that this structure is limited by constraints of time and expertise.

As more and more implementation issues arise, it appears that the current situation whereby numerous implementation issues of importance to the Parties are either not being addressed or not fully resolved would remain unchanged.

- b. Refer technical and implementation issues to the Secretariat either directly through the Conference of the Parties or through one of the existing permanent committees. The Secretariat would then undertake the necessary work, in consultation with appropriate experts. If necessary, the Secretariat would establish working groups, with appropriate membership drawn from representatives of the Parties (with regional representation where relevant) together with independent experts from amongst non-governmental organizations and the private sector (e.g., wildlife traders, producers of tags, security experts, etc.).

Given the budget and workload constraints already facing the Secretariat as well as the expertise of the Secretariat staff, it seems unlikely that the pressing implementation issues would be resolved under this option.

- c. Establish an implementation subcommittee under the Animals and Plants Committees. The total current budget allocation for the two committees (USD 180,000) could then be divided equally among the Animals and Plants Committees and the two subcommittees, with each being allotted a quarter, or some proportion as appropriate, to accomplish the required work.

Given that the implementation expertise among the Parties often covers both plant and animal issues, this option would require those individuals to attend double the number of meetings.

- d. Maintain separate Animals and Plants Committees, with a joint implementation subcommittee. This option would require that the committees meet concurrently or consecutively at the same venue, much like the joint meeting of the Criteria Working Group, which was followed immediately by the 16th meeting of the Animals Committee and the 10th meeting of the Plants Committee. The budget allocation of USD 180,000 could then be divided equally among the committees, with each being allotted one third, or a proportion as appropriate, to accomplish the required work.

This option would allow the two technical committees to remain separate while at the same time creating a forum where implementation issues could be addressed.

- e. Consolidate the Animals and Plants Committees under a single scientific committee, maintaining the terms of reference outlined in Resolution Conf. 11.1, and establish a second administrative/policy-making committee to address implementation matters. This committee structure would more closely follow the rules of procedure laid out for a meeting of the Conference of the Parties, whereby Committee I addresses all proposals to amend the appendices of the

Convention and any matter of a primarily biological nature, and Committee II addresses all other matters related to the functioning of the Convention. The USD 180,000 could then be split between these two committees, as appropriate, to accomplish the required work.

Although it would create a structure that more closely mirrored the COP Committee structure, this option would require a major restructuring of the current permanent committees.

10. The United States looks forward to the discussion of this important issue at COP12.